IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4616 of 2007(B)

OP.710/2007 of FAMILY COURT,THRISSUR
CRIME NO. 266/2007 of MATHILAKAM POLICE STATION

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PETITIONERS/ACCUSED NO.1 TO 3:

1. K. RAGHU, AGED ABOUT 35 YEARS,
   S/O. T.P.KRISHNAN, 'SREERAM', B BLOCK,
   NEW 17 NANDAMUNI STREET, NADUVANKARAI,
   ANNA NAGAR, CHENNAI.

2. KARTHIYAYINI, AGED ABOUT 62 YEARS,
   W/O. T.P. KRISHNAN, 'SREERAM', B BLOCK,
   NEW 17 NANDAMUNI STREET, NADUVANKARAI,
   ANNA NAGAR, CHENNAI.

3. GEETHA, AGED ABOUT 37 YEARS,
   D/O. T.P. KRISHNAN, 'SREERAM', B BLOCK,
   NEW 17 NANDAMUNI STREET, NADUVANKARAI,
   ANNA NAGAR, CHENNAI.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS: STATE AND COMPLAINANTS:

1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   MATHILAKAM POLICE STATION, KODUNGALLUR TALUK,
   THRISSUR DISTRICT.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4616 of 2007

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Dated this the 30th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners apprehend imminent arrest in a crime registered, inter alia, under Section 498A IPC. They had gone to the Madras High Court and directions under Sec.438 Cr.P.C have been issued in their favour by the Madras High Court by Annexure III order dated 12.7.07. Inter alia, the petitioners are directed to surrender before the Court having jurisdiction and seek appropriate relief within a period of four weeks. The petitioners have not surrendered before the learned Magistrate as directed by the Madras High Court. They have come to this Court again seeking directions under Sec.438 Cr.P.C. Notice was given to the learned Public Prosecutor and the learned Public Prosecutor submits that the investigation reveals that the 2nd and 3rd petitioners have not committed any offence. They have been, hence, deleted from the array of parties. Thus 2nd and 3rd petitioners need not apprehend arrest, it is submitted. The submission of the learned Public Prosecutor are take note of and are hereby recorded. The 2nd and 3rd petitioners need not surrender before the learned Magistrate as directed by the Madras High Court ,in the light of the submission by the learned Public

Prosecutor.

2. Coming to the 1st petitioner, he can appear before the learned Magistrate and seek regular bail as already stipulated by the High Court of Madras. I am not satisfied that the extraordinary equitable discretion under Sec.438 Cr.P.C deserves to be invoked by this Court again, over and above, the directions issued by the Madras High Court. Needless to say his application for regular bail must be considered on merits, in accordance with law and expeditiously.

3.In the result this application is dismissed with the above observation.

(R.BASANT, JUDGE)

sj